

REMARKS

Claims 9-15 and 74-84 are being canceled in this paper. No claims are being amended. Claims 27-59, 66-73 and 106-145 were previously canceled. Accordingly, claims 1-8, 16-26, 60-65 and 85-105 remain pending.

In the Office Action dated April 2, 2010, the rejection of claims 16, 17, 19-20 and 62-65 was withdrawn. The Office Action wrote “63-65” but Applicants understand that to be a typographical error, and that “62-65” was intended based on the reasoning that claim 62 depends from independent claim 16, and claim 16 is in condition for allowance.

The Office Action maintained the rejections of claims 9-15 and 74-84, taking the position that a severed tendon falls within the scope of Applicants’ claim language of “tissue separation of an open wound”. The Office Action maintained this position despite the fact that Applicants expressly stated that a severed tendon is not within the scope of “tissue separation of an open wound”, which term is expressly recited in each of Applicants’ non-allowed claims. Applicants raised the point that the prior art reference itself states that the method disclosed therein for the suturing of a severed tendon is not necessarily applicable to skin wounds, which is where an “open wound” would logically be found. However, the Examiner did not comment on this position. Instead, the Examiner raised the argument that since it would be necessary to cut skin (thus providing an “open wound”) on the way to accessing a severed tendon, the prior art document disclosed treating an open wound. Applicants respectfully contend that the Examiner is half-right in that position. While a doctor would surely have done some treatment to sew-up or otherwise close the wound created when accessing the severed tendon, that is not the same as saying the doctor would have used the method disclosed in the reference (a method for tying together a severed tendon) for the purpose of the skin wound. In other words, while the reference discloses a method for suturing the ends of a severed tendon, the reference does not say that same method should or could be used to treat a skin wound, and in fact, as previously pointed out, the reference states that sutures and method suitable for skin are still under investigation.

Nevertheless, Applicants want to place the application into condition for allowance, and have cancelled claims 9-15 and 74-84 accordingly. This cancellation of claims is

without prejudice to the subject matter thereof being presented in one or more continuation applications.

The Office Action concludes with the statement that claims 1-8, 16-26, 60, 61, 63-65 and 85-105 are allowable over the prior art of record. Accordingly, these claims plus claim 62 as discussed above, are the only claims that remain pending. The application should therefore be in condition for allowance. Should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at 425-831-4416 to resolve the same.

The Director is authorized to charge any additional fees due by way of this amendment, or credit any overpayment, to our Deposit Account No. 50-2574.

Respectfully submitted,

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